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RESOLUTION NO. 09-298

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF A TWO LANE ASPHALTIC CONCRETE MAT PAVEMENT FRONTAGE ROAD ON KELLOGG FROM 135TH STREET WEST TO THE WEST LINE OF LOT 51, BLOCK B, AUBURN HILLS 15TH ADDITION, (NORTH OF KELLOGG, WEST OF 135TH STREET WEST) 472-83962, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING A TWO LANE ASPHALTIC CONCRETE MAT PAVEMENT FRONTAGE ROAD ON KELLOGG FROM 135TH STREET WEST TO THE WEST LINE OF LOT 51, BLOCK B, AUBURN HILLS 15TH ADDITION, (NORTH OF KELLOGG, WEST OF 135TH STREET WEST) 472-83962, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 04-114 adopted on March 16, 2004 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct a two lane asphaltic concrete mat pavement frontage road on Kellogg from 135th Street West to the west line of Lot 51, Block B, Auburn Hills 15th Addition, (north of Kellogg, west of 135th Street West) 472-83962.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Two Hundred Nine Thousand Two Hundred Thirty-Eight Dollars (\$209,238) exclusive of the cost of interest on borrowed money, with \$117,038 payable by the Kansas Department of Transportation and \$69,049 payable by the improvement district and \$23,151 payable by the City of Wichita General Obligation bonds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after August 1, 2009, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

AUBURN HILLS 15TH ADDITION

Lots 1 through 4, Block A

Lots 1 through 51, Block B

Lots 1 through 15, Block C

Lots 1 through 13, Block D

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

Lots 1 through 4, Block A, Lots 1 through 50, Block B, Lots 1 through 15, Block C, and Lots 1 through 13, Block D, AUBURN HILLS 15TH ADDITION, shall each pay 1/87 of the total cost of the improvements; and Lot 51, Block B, AUBURN HILLS 15TH ADDITION, shall pay 5/87 of the total cost of the improvements.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 15th day of September, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)